

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 29, 2005

IN RE:	)	
	)	
PETITION OF MCIMETRO ACCESS	)	DOCKET NO.
TRANSMISSION SERVICES, LLC FOR	)	05-00231
ARBITRATION OF CERTAIN TERMS AND	)	
CONDITIONS OF A PROPOSED AGREEMENT	)	
WITH BELL SOUTH TELECOMMUNICATIONS,	)	
INC. CONCERNING INTERCONNECTION	)	
AND RESALE	)	

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ORDER ESTABLISHING A PROCEDURAL SCHEDULE

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This matter came before the Pre-Arbitration Officer upon for the establishment of a procedural schedule to completion of the docket.

**BACKGROUND**

On August 15, 2005, MCImetro Access Transmission Services, LLC ("MCI") filed the *Petition of MCI for Arbitration with BellSouth Under the Telecommunications Act of 1996* ("Petition"). BellSouth Telecommunications, Inc. filed *BellSouth Telecommunications, Inc.'s Response to MCI's Petition for Arbitration* on September 9, 2005.

During a regularly scheduled Authority Conference held on October 17, 2005, Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle, the voting panel assigned to this docket, unanimously voted to accept the *Petition* and to appoint the Authority's General Counsel or his designee to act as Pre-Arbitration Officer in this proceeding for the purpose of adopting issues and preparing the docket for hearing. The panel also directed the parties to file

an updated joint issues matrix by October 20, 2005.<sup>1</sup> The joint issues matrix was filed by BellSouth and MCI (collectively, the “parties”) on October 20, 2005.

**NOVEMBER 4, 2005 STATUS CONFERENCE**

Counsel for the parties participated in a status conference held on November 4, 2005. At the status conference, counsel for MCI and BellSouth orally agreed to waive the nine-month deadline in 47 U.S.C. § 252(b)(4)(C) for the Authority’s resolution of the arbitration. In addition, the parties announced that Issues 16, 24, 27 and 34(B) had been settled and that they hoped to reach resolution on other issues prior to the Hearing.

The Pre-Arbitration Officer decided to leave open the adoption of the issues pending the filing of a motion by BellSouth regarding the appropriateness of inclusion of certain issues for arbitration and the response to that motion by MCI. In addition, the parties agreed to attempt to reword the statement of the issues in Issues 1 and 28 so that the Arbitrators would not be determining specific language to be included in the interconnection agreement. The parties also indicated they had agreed to a regional discovery approach, with limitations on additional state-specific discovery if something new arises in one of the state hearings. Counsel for BellSouth agreed to prepare a proposed protective order and send it to MCI before submission to the Authority.

Also at the status conference, a procedural schedule was agreed upon. On November 17, 2005, BellSouth requested additional time for the filing of its motion with respect to issues it believes should not be subject to arbitration and MCI’s response thereto, which the Pre-Arbitration Officer granted. As a result, the following procedural schedule is established:

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<sup>1</sup> *Order Accepting Arbitration and Appointing Pre-Arbitration Officer* (November 9, 2005)

<b>November 22, 2005</b>	<b>BellSouth's motion regarding issues due</b>
<b>December 2, 2005</b>	<b>MCI's response to BellSouth's motion regarding issues due</b>
<b>December 6, 2005</b>	<b>Oral argument on BellSouth's motion regarding issues at 2:00 p.m.</b>
<b>December 16, 2005</b>	<b>Direct testimony due</b>
<b>February 2, 2006</b>	<b>Rebuttal testimony due</b>
<b>March 8-9, 2006</b>	<b>Proposed hearing dates suggested by the parties; dates subject to confirmation by the Arbitration Panel</b>

All filings are due no later than 2:00 p.m. on the dates indicated. After the final hearing dates are determined, an addendum to the procedural schedule will be issued and a pre-hearing conference date will be scheduled.

**IT IS THEREFORE ORDERED THAT:**

A procedural schedule is established as stated herein.

  
 Jean A. Stone, Counsel  
 as Pre-Arbitration Officer